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522

164

POST-WAR REFORMS

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ஹிந்து மதாபிமான சங்கம்
காரைக்குடி.

BY

(1) THE NINETEEN: (2) THE NATIONAL CONGRESS AND THE MUSLIM LEAGUE

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SONS OF INDIA, Ltd.

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POST-WAR REFORMS

[We print below the Memorandum submitted to H. E. Viceroy by nineteen additional members of the Imperial Legislative Council with regard to Post-War Reforms. In all there are twenty-seven non-official members, of whom two are Anglo-Indians, who were not consulted for obvious reasons, and three were away. The other three Indians refused to sign : viz., (1) Nawab Syed Nawab Ali Chowdhuri, (2) Mr. Abdur Rahim, and (3) Sirdar Bahadur Sirdar Sunder Singh Majithia have been compelled by public opinion to give it a qualified support.]

THERE is no doubt that the termination of the War will see a great advance in the ideals of Government all over the civilised world and especially in the British Empire, which entered into the struggle in defence of the liberties of weak and small Nationalities and is pouring forth its richest blood and treasure in upholding the cause of justice and humanity in the international relations of the world. India has borne her part in this struggle and cannot remain unaffected by the new spirit of change for a better state of things. Expectations have been raised in this country and hopes held out that, after the War, the problems of Indian administration will be looked at from a new angle of vision. The people of India have good reasons to be grateful to England for the great progress in her material resources and the widening of her intellectual

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and political outlook under British rule, and for the steady, if slow, advance in her National life commencing with the Charter Act of India of 1833. Up to 1909, the Government of India was conducted by a bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The reforms of 1909 for the first time introduced an Indian element in the direction of affairs in the administration of India. This element was of a very limited character. The Indian people accepted it as an indication on the part of the Government of a desire to admit the Indians into the inner counsels of the Indian Empire. So far as the Legislative Councils are concerned, the numbers of non-official members were merely enlarged with increased facilities for debate and interpellation. The Supreme Legislative Council retained an absolute official majority, and in the Provincial Legislative Councils, where a non-officical majority was allowed, such majority included nominated members and the European representatives. In measures largely affecting the people, whether of legislation or taxation, by which Europeans were not directly affected, the European members would naturally support the Government, and the nominated members, being nominees of Government, would be inclined to take the same side. Past experience has shown that this has actually happened on various occasions. The non-official majorities, therefore, in the Provincial Councils have proved largely illusory and give no real power to the representatives of the people. The Legislative Councils, whether Supreme or Provincil, are at present nothing but advisory bodies without any power of effective control over the Government, Imperial or Provincial. The people or their

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representatives are practically as little associated with the real Government of the country as they were before the reforms, except for the introduction of the Indian element in the Executive Councils, where again the nomination rests entirely with the Government, the people having no voice in the selection of the Indian members.

The object which the Government had in view in introducting the reforms of 1909 was, as expressed by the Prime Minister in his speech in the House of Commons on the second reading of the Indian Councils Bill (1st April, 1909), that "it was most desirable in the circumstances to give to the people of India the feeling that these Legislative Councils are not mere automatons, the wires of which are pulled by the official hierarchy." This object, it is submitted, has not been attained. Apart from this question of the constitution of the Legislative and Executive Councils, the people labour under certain grave disabilities, which not only prevent the utilisation, but also lead to the wastage, of what is best in them, and are positively derogatory to their sense of National self-respect. The Arms Act which excludes from its operation Europeans and Anglo-Indians and applies only to the pure natives of the country, the disqualification of Indians for forming or joining Volunteer Corps and their exclusion from the commissioned ranks of the army, are disabilities which are looked upon with an irritating sense of racial differentiation. It would be bad enough if these were mere disabilities. Restrictions and prohibitions regarding the possession and use of arms have tended to emasculate the civil population in India and expose them to serious danger. The position of Indians in India is practically this, that

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they have no real part or share in the direction of the Government of the country, and are placed under very great and galling disabilities from which the other members of the British Empire are exempt, and which have reduced them to a state of utter helplessness. The existence, moreover, of the system of indentured emigration gives to the British Colonies and the outside world the impression that Indians, as whole, are no better than indentured coolies, who are looked upon as very little, if at all, above the slave. The present state of things makes the Indians feel that, though theoretically they are equal subjects of the King, they hold a very inferior position in the British Empire. Other Asiatic races also hold the same, if not a worse, view about India and her status in the Empire. Humiliating as this position of inferiority is to the Indian mind, it is almost unbearable to the youth of India whose outlook is broadened by education and travel in foreign parts where they come in contact with other free races. In the face of these grievances and disabilities, what has sustained the people is the hope and faith inspired by promises and assurances of fair and equal treatment which have been held out from time to time by our Sovereigns and British statesmen of high standing. In the crisis we are now going through, the Indian people have sunk domestic differences between themselves and the Government, and have faithfully and loyally stood by the Empire. The Indian soldiers were eager to go to the battlefields of Europe, not as mercenary troops but as free citizens of the British Empire which required their services, and her civilian population was animated by one desire, namely, to stand by England in the hour of her need. Peace and tranquillity reigned throughout

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India when she was practically denuded of British and Indian troops. The Prime Minister of England, while voicing the sentiments of the English people in regard to India's part in this great War, spoke of Indians as "the joint and equal custodians of one common interest and future." India does not claim any reward for her loyalty, but she has a right to expect that the want of confidence on the part of Government, to which she not unnaturally ascribes her present state, should now be a thing of the past, and that she should no longer occupy a position of subordination but one of comradeship. This would assure the Indian people that England is ready and willing to help them to attain Self-Government under the ægis of the British Crown, and thus discharge the noble mission which she has undertaken and to which she has so often given voluntary expression through her rulers and statesmen. What is wanted is not merely good government or efficient administration, but government that is acceptable to the people because it is responsible to them. This is what, India understands, would constitute the changed angle of vision.

If, after the termination of the War, the position of India practically remains what it was before, and there is no material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficent effects of participation in common danger, overcome by common effort, will soon disappear, leaving no record behind save the painful memory of unrealised expectations. We feel sure that the Government is also alive to the situation and is contemplating measures of reform in the administration of the country. We feel that we should avail ourselves of this opportunity to respectfully

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offer to Government our humble suggestions as to the lines on which these reforms should proceed. They must, in our opinion, go to the root of the matter. They must give to the people real and effective participation in the Government of the country, and also remove those irritating disabilities as regards the possession of arms and a military career, which indicate want of confidence in the people and place them in a position of inferiority and helplessness. With this view, we would take the liberty to suggest the following measures for consideration and adoption :

1. In all the Executive Councils, Provincial and Imperial, half the number of members should be Indians ; the European element in the Executive Councils should, as far as possible, be nominated from the ranks of men trained and educated in the public life of England, so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indians or Europeans, should have experience of actual administration, for, as in the case of ministers in England, the assistance of the permanent officials of the departments is always available to them. As regards Indians, we venture to say that a sufficient number of qualified Indians, who can worthily fill the office of members of the Executive Council and hold portfolios, is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr. Krishnaswami Iyer, Sir Shams-ul-Huda and Sir Sankaran Nair have maintained a high level of administrative ability in the discharge of their duties. Moreover, it is well known that the Native States, where Indians have opportunities, have

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produced renowned administrators like Sir Salar Jang, Sir T. Madhava Rao, Sir Seshadri Aiyar, Dewan Bahadur Raghunath Rao, not to mention the present administrators in the various Native States of India. The statutory obligation, now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India, and similar provisions with regard to Provincial Councils, should be removed. The elected representatives of the people should have a voice in the selection of the Indian members of the Executive Councils and for that purpose a principle of election should be adopted.

2. All the Legislative Councils in India should have a substantial majority of elected representatives. These representatives, we feel sure, will watch and safeguard the interests of the masses and the agricultural population with whom they are in closer touch than any European officer, however sympathetic, can possibly be. The proceedings of the various Legislative Councils and the Indian National Congress and the Muslim League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people; Muhammadans or Hindus, wherever they are in a minority, being given proper and adequate representation, having regard to their numerical position.

3. The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major Provinces, and not less than 60 to 75 for the minor Provinces.

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4. The Budget should be passed in the shape of money bills, fiscal autonomy being conceded to India.

5. The Imperial Legislative Council should have power to legislate on, and discuss and pass resolutions relating to, all matters of Indian administration, and the Provincial Councils should have similar powers with regard to Provincial administrations, save and except that the direction of military affairs, of foreign relations, declaration of war, the making of peace, and the entering into treaties, other than commercial, should not be vested in the Government of India. As a safeguard, the Governor-General-in-Council or the Governor-in-Council, as the case may be, should have the right of veto, which, however, should be exercised subject to certain conditions and limitations.

6. The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under-Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under-Secretaries should be placed on the British estimates.

7. In any scheme of Imperial Federation, India should be given through her chosen representatives a place similar to that of the Self-Governing Dominions.

8. The Provincial Governments should be made autonomous, as stated in the Government of India's despatch dated 25th August, 1911.

9. The United Provinces, as well as the other major Provinces, should have a Governor brought from the United Kingdom and should have an Executive Council.

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10. A full measure of Local Self-Government should be immediately granted.

11. The right to carry arms should be granted to Indians on the same conditions as to Europeans.

12. Indians should be allowed to enlist as volunteers and units of a territorial army established in India.

13. Commissions in the army should be given to Indian youths under conditions similiar to those applicable to Europeans.

MANINDRA CHANDRA NANDY OF KASIMBAZAR.
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CONGRESS AND MOSLEM LEAGUE'S SCHEME.

The following is the scheme of Reforms passed as a definite step towards Self-Government, at the 31st Session of the National Congress held at Lucknow on the 29th December, 1916, and also adopted by the All-India Moslem League at its meeting held on the 31st December, 1916.

I. PROVINCIAL LEGISLATIVE COUNCILS.

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.

2. Their strength shall be not less than 125 members in the Major Provinces, and from 50 to 75 in the Minor Provinces.

3. The members of Councils should be elected directly by people as on broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and that the Mahomedans should be represented through special electorates on the Provincial Legislative Councils.

Punjab—One-half of the elected Indian Members.		
United Provinces—30 per cent	,,	,,
Bengal—40 per cent	,,	,,
Behar—26 per cent	,,	,,
Central Provinces—15 per cent	,,	,,
Madras—15 per cent	,,	,,
Bombay—one third	,,	,,

Provided that Mahomedans shall not participate in any of the other elections to the Legislative Councils.

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Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

5. The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (a) Except Customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be provincial.

(b) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation, and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary revenue should be embodied in Bills and submitted to the Provincial Council for adoption.

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(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with the rules made in that behalf by the Council itself.

(e) A resolution passed by the Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance if supported by not less than one-eighth of the members present.

8. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council, in accordance with the rules made in that behalf by the council itself and the consent of the Government should not be required therefore.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II. PROVINCIAL GOVERNMENTS.

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

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2. There shall be in every Province an Executive Council, which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III. IMPERIAL LEGISLATIVE COUNCIL.

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the Mahomedan electorates and the elected members of the Provincial Legislative Councils should also form an electorate for the return of Members to the Imperial Legislative Council.

4. The President of the Council shall be elected by the Council itself.

5. The right of asking supplementary questions shall not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

6. Any special meeting of the Council may be summoned on a requisition by not less than one eighth of the members.

7. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in

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that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

8. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

9. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

10. The term of office of members shall be five years.

11. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :—

(a) Matters in regard to which uniform Legislation for the whole of India is desirable.

(b) Provincial Legislation in so far as it may affect inter-provincial fiscal relations.

(c) Questions affecting purely Imperial Revenue, excepting tributes from Indian State.

(d) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of Military charges for the defence of the country.

(e) The right of revising Indian tariffs and customs-duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(f) Resolutions on all matters relating to the administration of the country as a whole.

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12. A resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council provided, however, that if the Resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

13. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

14. The Crown may exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council or by the Imperial Legislative Council within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

15. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV. THE GOVERNMENT OF INDIA.

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

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5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India as constituted under this scheme, and subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In Legislative and administrative matters, the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V. THE SECRETARY OF STATE IN COUNCIL.

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies in relation to the Governments of the Self-Governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under-Secretaries, one of whom should always be an Indian.

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VI. MILITARY AND OTHER MATTERS OF POLICY.

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

4. The Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every Province shall be placed under the highest Court of that Province.

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